

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION

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CHARLES DIXON #139244

Plaintiff

VS.

RICHARD ALLEN, et. al.;  
Defendants

2:06-CV-266-MHT

MOTION AND OBJECTION TO THE MAGISTRATE  
JUDGE RECOMMENDATION

Plaintiff Charles Dixon #139244 filed a 42 U.S.C. § 1983 Class Action, challenging the conditions of confinement within the ALABAMA Dept. of Corrections Prison System's Easterling Corr. Fac. Plaintiff filed a Brief in support of his Complaint, which the Court construes as containing a Motion for Class Certification under Rule 23, Federal Rules of Civil Procedure. (See Doc. 3.) Upon review, the Motion for Class Certification, the Court concludes that this Motion is due to be denied (the Magistrate Judge Recommendation at Pg. 1)

Plaintiff's Request this Honorable Court for Appointment of Counsel because a Class Action with this Great of Merit is too complicated for the Plaintiff to represent a Class Action law suit. This Honorable Court has jurisdiction pursuant to 28 U.S.C. Section 1915 (c)(1), and Section 1988, the Plaintiff will not be able to investigate the case and conduct interviews with state officials. See *Montgomery v. Pinchick*, 294 F.3d 492, 499 (3rd Cir. 2002), *Hendricks v. Coughlin* 114 F.3d 390 (2nd Cir. 1997)

Plaintiff's Imprisonment will greatly limit his ability to litigate. The numerous complex issues involved in this case, are required to have significant research and professional investigation. Plaintiff has limited access to the law library and limited knowledge of the law.

Wherefore, Plaintiff's request that the court appoint counsel for the Plaintiff who is a member of the Montgomery Bar, as counsel in this case.

Respectfully Submitted: Charles Dixon

CERTIFICATE OF SERVICE  
CHARLES DIXON #139244 DECLARES UNDER PENALTY OF PERJURY and HEREBY CERTIFIES that PURSUANT to 28 USC UNDER §1746 that I SERVED UPON THE CLERK OF THE COURT, THIS MOTION and OBJECTION, by PLACING in an ENVELOPE and PUTTING ENVELOPE IN THE EASTERLING POST OFFICE ON THIS 14th DAY OF APRIL 2006, and PROPERLY ADDRESSED: TO THE CLERK OF THE UNITED STATES DISTRICT COURT NORTHERN DIVISION P.O. Box 711 MONTGOMERY, ALABAMA, 36104-0711

SIGNED:

Charles Dixon

EASTERLING CORR. FAC.  
 200 WALLACE DRIVE  
 CLIO, ALABAMA 36017-2615